

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Shoppes at Tuskawilla, PCD Major Amendment (Hugh Harling, _____
Applicant)
DEPARTMENT: Planning & Development **DIVISION:** Planning
AUTHORIZED BY: Matt West *MW* **CONTACT:** Jeff Hopper **EXT** 7431

Agenda Date 01/05/05 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the requested PCD Major Amendment for a 1.82-acre site located on the east side of Tuskawilla Rd., ¼ mile north of Red Bug Lake Road, subject to the attached Development Order (Hugh Harling, applicant); or
2. Recommend DENIAL of the requested PCD Major Amendment for a 1.82-acre site located on the east side of Tuskawilla Rd., ¼ mile north of Red Bug Lake Road, (Hugh Harling, applicant); or
3. CONTINUE the item to a time and date certain, based on staff findings.

District 2 – Morris

Jeff Hopper-Senior Planner

BACKGROUND:

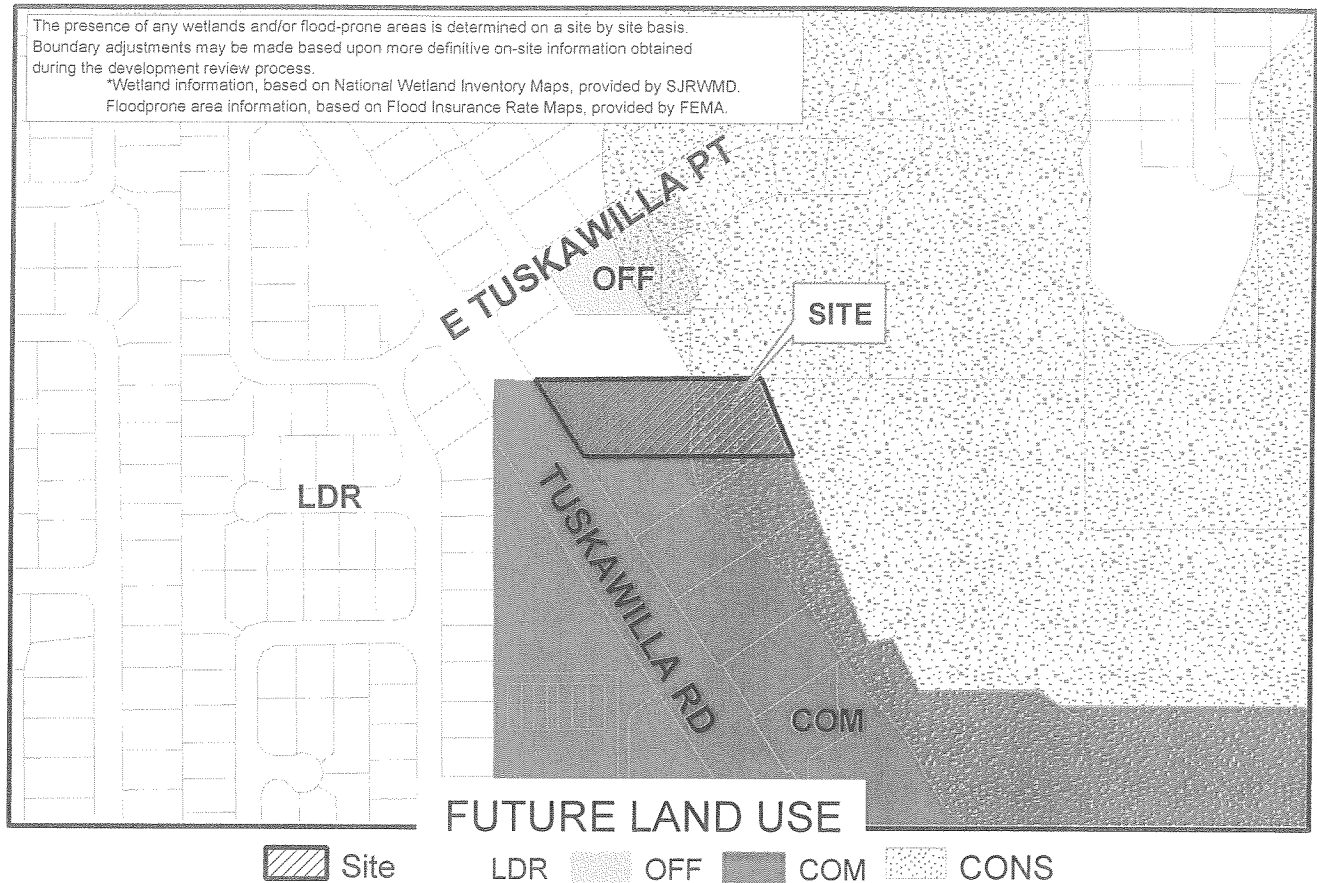
The subject property received Planned Commercial Development (PCD) approval in 2003 for a restaurant, with a provision that any significant change in use would require a major PCD amendment. Since that time, the site has remained vacant and now is proposed for use as a small retail shopping center with 12,400 square feet of building area. Specific uses are largely unknown at this time, but would be in character with ordinary retail commercial district uses. The east end of the building is being configured as a bank with a drive-thru facility.

STAFF RECOMMENDATION:

Staff recommends CONTINUANCE of the request pending revision of the site plan to comply with several conditions of the previously approved Development Order, particularly those relating to landscaping, buffering, and parking.

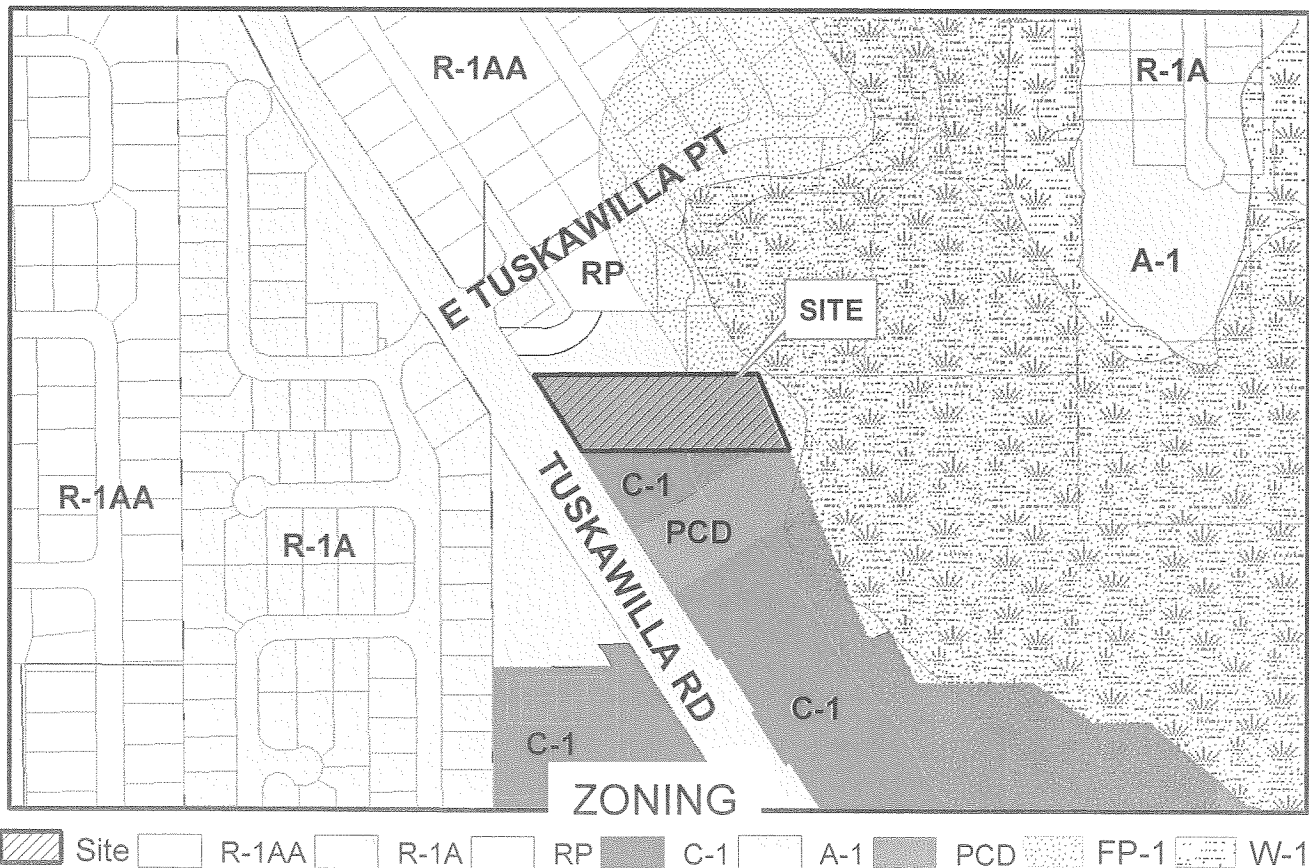
Reviewed by: *KR*
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. Z2004-063

The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.





Applicant: Frank Silverman (Hugh W. Harling, Jr., P.E.)
Physical STR: part of 24-21-30-506-0000-0070
Gross Acres: +/- 1.84 BCC District: 2
Existing Use: Vacant Commercial
Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2004-063	PCD	PCD





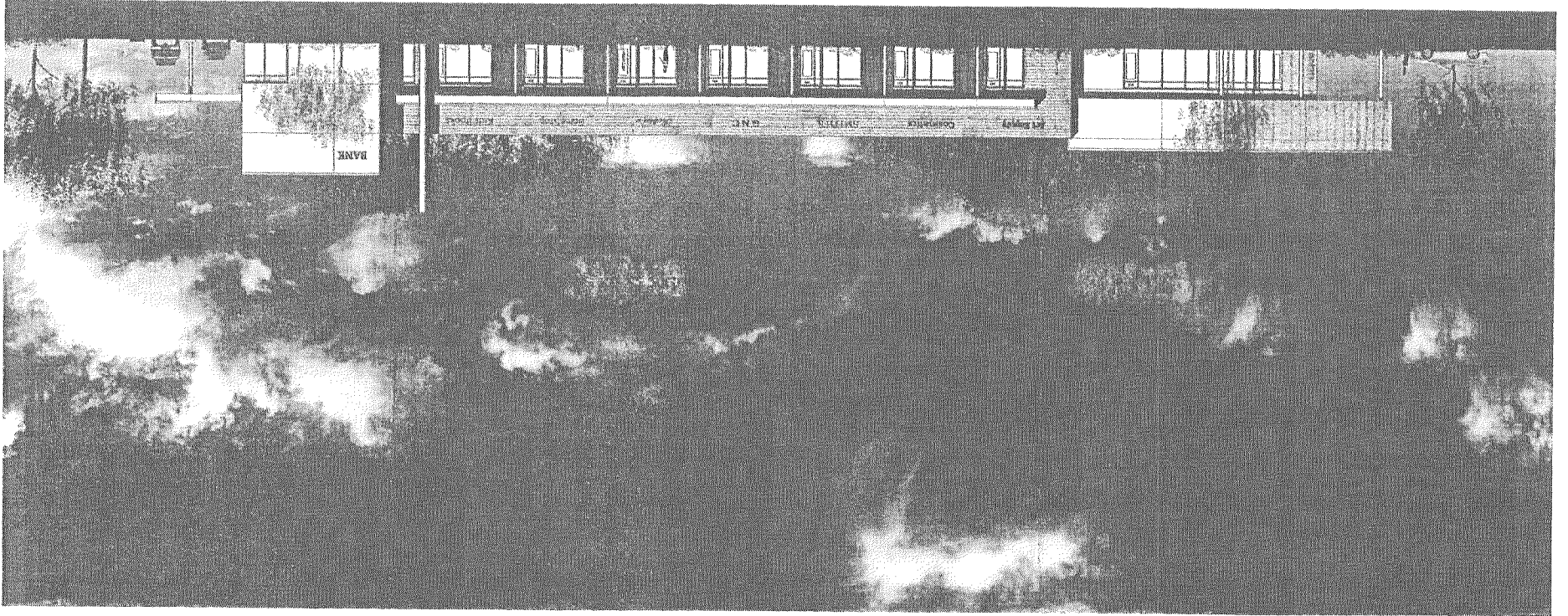
Rezone No: Z2004-063
From: PCD To: PCD

 Parcel
 Subject Property



February 1999 Color Aerials

TUSKAWILLA RETAIL CENTER



SHOPPES AT TUSKAWILLA PCD MAJOR AMENDMENT

REQUEST INFORMATION		
APPLICANT	Hugh Harling	
PROPERTY OWNER	Hacienda Development Corp.	
REQUEST	Major PCD Amendment	
HEARING DATE (S)	P&Z: January 5, 2005	BCC: January 11, 2005
PARCEL NUMBER	24-21-30-506-0000-0070	
LOCATION	East side of Tuskawilla Rd., ¼ mile north of Red Bug Lake Road	
FUTURE LAND USE	Commercial	
FILE NUMBER	Z2004-063	
COMMISSION DISTRICT	2 – Morris	

OVERVIEW

Zoning Request: The subject property received Planned Commercial Development (PCD) approval in 2003 for a restaurant, with a provision that any significant change in use would require a major PCD amendment. Since that time, the site has remained vacant and now is proposed for use as a small retail shopping center with 12,400 square feet of building area. Specific uses are largely unknown at this time, but would be in character with ordinary retail commercial district uses. The east end of the building is being configured as a bank with a drive-thru facility.

In approving the previous PCD plan for a restaurant on the site, the Board of County Commissioners enacted several conditions to minimize incompatibility between the subject commercial property and nearby properties in residential and agricultural zoning. These properties include the Tuska Ridge subdivision to the west and the Tuskawilla Animal Hospital to the north. While several of those conditions were specific to the restaurant use, others may be relevant to the proposed retail use as well. These include the following:

- 6-foot brick or masonry wall along the north property line (adjacent to the animal hospital)
- Architectural building style to be compatible with residential, with elevations to be submitted as part of the Final Site Plan review.
- No parking spaces to be permitted along the frontage road at the west end of the site.
- Buffer adjacent to the west property line to be landscaped to standards equivalent to those used in the adjoining Tuskawilla Road right-of-way.

The new submittal is in keeping with development intensities anticipated in the previous approval, which provided for C-1 uses as the general range of commercial possibilities on the site. However, it does not fully address design issues raised in the earlier case, particularly with regard to buffering and parking in the area adjacent to Tuskawilla Road. With the previous approval, the BCC required a buffer consisting of the full 20' width of

property lying between the west lot line and the frontage road (which allows cross-access with other commercial sites in Red Willow Plaza). Parking was prohibited in this area, which was to have landscaping consistent with existing landscape patterns along Tuskawilla Road, to provide visual screening for the benefit of Tuska Ridge residents. The plan now under consideration instead shows 11 parking spaces and 5 triangular planting areas adjacent to the right-of-way line.

The current proposal does not show the 6-foot masonry wall adjacent to the animal hospital on the north as previously required, instead proposing such a wall only on a limited length of the north and east property lines, adjacent to a County retention facility. Also, no reference is made to architectural design standards compatible with residential development.

Additional provisions of the approved development order prohibited sound amplification and established hours of operation and delivery for a restaurant, a use which is still possible within one or more of the suites shown on the most recent plan. These issues are not addressed in the new submittal. Finally, the BCC established a 50-foot setback from the north property line for the restaurant; however, this standard may not be relevant to the current plan, which places primary entrances on the south side of the building.

Existing Land Uses: The existing zoning designations and land uses are as follows:

	Zoning	Future Land Use	Existing Land Use
North	A-1	LDR	Veterinary clinic, County retention facility
South	C-1	Commercial	Restaurant
East	A-1	LDR	Vacant
West	R-1A	LDR	Single Family

For more detailed information regarding zoning and land use, please refer to the attached map.

SITE ANALYSIS

Facilities and Services:

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.
2. The proposed PCD amendment is consistent with the adopted future land use designation assigned to the property, and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan.
3. Seminole County will provide water and sewer service to the site. Reclaimed water is not available.

4. Information on stormwater capacity and outfall must be provided prior to Final Site Plan approval.

Compliance with Environmental Regulations: Applicant must provide documentation that the development complies with federal regulations relating to eagle nest SE001, located near the subject property.

Compatibility with Surrounding Development: In its current form, the proposed PCD amendment is not consistent with previously approved development conditions to ensure compatibility with surrounding existing uses.

STAFF RECOMMENDATIONS:

The previous approval included significant buffering requirements for the benefit of property owners opposite the site on the west side of Tuskawilla Road. Compliance with these requirements may necessitate a substantial revision of the site layout. Therefore, staff recommends CONTINUANCE of the request pending appropriate revisions to the site plan. If the request is approved, the following conditions are recommended:

- a. The site shall be limited to C-1 district permitted uses. The following uses shall be prohibited:
 - communication towers
 - multifamily housing
 - service stations and/or convenience stores with gas pumps
 - outdoor advertising signs
 - tattoo parlors
 - pawn shops
- b. Uses may include alcoholic beverage sales within a bona fide restaurant as defined in Section 30.1353 of the Land Development Code. If a restaurant is proposed within the facility, a minor PCD amendment shall be required to ensure that adequate parking is provided.
- c. Hours of operation for restaurants shall be 11 a.m. – midnight Sunday through Thursday, and 11 a.m. -1 a.m. Friday and Saturday.
- d. Outdoor seating for restaurants shall be provided only on the south side of the building.
- e. Restaurant delivery times shall be limited to 9:00 a.m. to 9:00 p.m.
- f. Retention pond shall be amenitized per Section 30.1344 of the Land Development Code.
- g. Outdoor lighting fixtures shall be limited to shoebox-cutoff style fixtures not more than 16 feet in height, projecting no more than 0.5 foot-candles at any property line.

- h. The architectural style of the building shall be compatible with residential development. Elevations shall be submitted by the applicant and evaluated as part of the Final PCD Site Plan approval.
- i. Building height shall be limited to a maximum of 35 feet.
- j. Applicant shall provide paved pedestrian paths connecting the building to public sidewalks on Tuskawilla Road.
- k. Outdoor sound amplification shall be prohibited.
- l. No parking spaces shall be permitted along the frontage road at the west end of the site.
- m. The west buffer shall be landscaped to standards equivalent to those used for landscaping along Tuskawilla Road within the City of Winter Springs. This shall be evaluated as part of the Final PCD Site Plan approval.
- n. All parking spaces shall have minimum dimensions of 10' by 20.'
- o. Floor area ratio (FAR) shall be limited to 0.35 as required by the Vision 2020 Plan.
- p. A minimum 7-foot buffer shall be provided along the north property line, including a 6-foot brick or masonry wall.

SEMINOLE COUNTY AMENDED DEVELOPMENT ORDER

On January 11, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: HACIENDA DEVELOPMENT CORP.

Project Name: SHOPPES AT TUSKAWILLA

Requested Development Approval: MAJOR AMENDMENT TO PCD PRELIMINARY MASTER PLAN

The Development Approval sought is consistent with the Seminole County Vision 2020 Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: JEFF HOPPER
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. The site shall be limited to C-1 district permitted uses. The following uses shall be prohibited:
 - communication towers
 - multifamily housing
 - service stations and/or convenience stores with gas pumps
 - outdoor advertising signs
 - tattoo parlors
 - pawn shops
- b. Uses may include alcoholic beverage sales within a bona fide restaurant as defined in Section 30.1353 of the Land Development Code. If a restaurant is proposed within the facility, a minor PCD amendment shall be required to ensure that adequate parking is provided.
- c. Hours of operation for restaurants shall be 11 a.m. – midnight Sunday through Thursday, and 11 a.m. -1 a.m. Friday and Saturday.
- d. Outdoor seating for restaurants shall be provided only on the south side of the building.
- e. Restaurant delivery times shall be limited to 9:00 a.m. to 9:00 p.m.
- f. Retention pond shall be amenitized per Section 30.1344 of the Land Development Code.
- g. Outdoor lighting fixtures shall be limited to shoebox-cutoff style fixtures not more than 16 feet in height, projecting no more than 0.5 foot-candles at any property line.
- h. The architectural style of the building shall be compatible with residential development. Elevations shall be submitted by the applicant and evaluated as part of the Final PCD Site Plan approval.
- i. Building height shall be limited to a maximum of 35 feet.
- j. Applicant shall provide paved pedestrian paths connecting the building to public sidewalks on Tuskawilla Road.
- k. Outdoor sound amplification shall be prohibited.
- l. No parking spaces shall be permitted along the frontage road at the west end of the site.

- m. The west buffer shall be landscaped to standards equivalent to those used for landscaping along Tuskawilla Road within the City of Winter Springs. This shall be evaluated as part of the Final PCD Site Plan approval.
- n. All parking spaces shall have minimum dimensions of 10' by 20.'
- o. Floor area ratio (FAR) shall be limited to 0.35 as required by the Vision 2020 Plan.
- p. A minimum 7-foot buffer shall be provided along the north property line, including a 6-foot brick or masonry wall.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Carlton D. Henley
Chairman
Board of County Commissioners

Attest:

Maryanne Morse
Clerk to the Board of County Commissioners

FILE # Z2004-063

DEVELOPMENT ORDER #4-20500008

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, HACIENDA DEVELOPMENT CORP., on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Print Name

By: _____
MARK WALLSCHLAEGER
President of Hacienda Development Corp.

Witness

Print Name

STATE OF FLORIDA

COUNTY OF _____

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared MARK WALLSCHLAEGER, President of Hacienda Development Corp, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2005.

Notary Public, in and for the County and State
Aforementioned
My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION: Lot 7, RED WILLOW PLAZA

According to the Plat thereof, as recorded in Plat Book 35, Pages 99 and 100 of the public records of Seminole County, Florida.

A portion of the Northeast $\frac{1}{4}$ of Section 24, Township 21 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

BEGINNING at a point located on the easterly right-of-way line of Tuskawilla Road (140 foot right-of-way) a distance of 1,296.02 feet northwesterly from the intersection of said easterly right-of-way line of Tuskawilla Road and the northerly right-of-way line of Red Bug Lake Road (150 foot right-of-way), as measured along a said easterly right-of-way line of Tuskawilla Road N33 40'58"W a distance of 200.00 feet to a point; thence leaving said right-of way line of Tuskawilla Road and running S89 59'22"E a distance of 503.18 feet to a point; running thence S22 01'36"E a distance of 179.57 feet to a point; running thence S89 59'22"W a distance of 459.59 feet to a point lying on the easterly right-of-way line of Tuskawilla Road and the POINT OF BEGINNING; said tract of land containing 1.84 acres as shown on that certain preliminary plat prepared for Pridgen and Associates, dated December 13, 1985, last revised March 17, 1986, by Harling, Locklin and Associates, Inc.

LESS

Parcel 168

Begin at the Southwest corner of Lot 7, RED WILLOW PLAZA as recorded in Plat Book 35, Pages 99 and 100, Public Records of Seminole County, Florida; thence run N32 59'34"W 200.00 feet to the Northwest corner of said Lot 7 a distance of 6.01 feet to a point lying 5.00 feet East of the Westerly line of said Lot 7 by perpendicular measure; thence run S 32 59'34"E 199.91 feet to the South line of said Lot 7; thence run S 89 57'02"W 5.96 feet to the point of beginning, containing therein 1,000 square feet more or less.